

2. An Amended Response and an Appendix of Exhibits, attached hereto and marked as Exhibit B, is submitted to comply with the court rules, however it was filed after the 21-day deadline to file a response.
3. Plaintiff's response failed to provide an appendix for their attached evidence and did not provide a copy of the electronic filing receipt with the judge's copy, thus causing these items to be rejected by the honorable court.
4. As these items do not substantively change the content of Plaintiff's brief allowing the Plaintiff to file a late response in order to correct these deficiencies does not cause any harm to the Defendant.
5. In accordance with FRCP 6(b) the court has discretion to allow for more time:

(b) EXTENDING TIME.

(1) *In General*. When an act may or must be done within a specified time, the court may, for good cause, extend the time:

(A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or

(B) on motion made after the time has expired if the party failed to act because of excusable neglect.

Wherefore, as the parties have acted with due diligence in attempting to comply with the court rules, the Plaintiff respectfully requests that this honorable court act within its discretion and allow Plaintiff the opportunity to file a late response/amendment to their response to Defendant's Motion to Dismiss.

Respectfully submitted,
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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF CONFERENCE

I DO HEREBY CERTIFY that before filing this Motion For Leave to File a Late/Amended Response to Defendant's Motion to Dismiss and its supporting brief, I emailed counselors for Defendants, and asked them whether they would oppose the filing of this Motion For Leave to File a Late/Amended Response to Defendant's Motion to Dismiss and its supporting brief in an effort to determine whether the parties could agree to the filing of this Motion. Defendants' Counsel affirmed they do not oppose the filing of this motion. Accordingly, Plaintiff is seeking a ruling from the Court on this Motion.

/s/ Heather Abreu
Heather Abreu, Esq.

CERTIFICATE OF
SERVICE

I certify that true and correct copy of this document was sent to all counsel of record, hereunder listed via ECF Filing **on this the 23rd Day of August 2022.**

William Osborne
Margot Nikitas
Sanford Denison
Michael Rake

/s/
Heather Abreu